

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TONY PENN,

Plaintiff,

vs.

Case No.: 11-10800

HON. GEORGE CARAM STEEH

DEPUTY EVANS, et al.,

Defendants.

\_\_\_\_\_/

ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [DOC. # 8]

This matter is before the court on plaintiff Tony Penn's *pro se* prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. After screening the complaint pursuant to 28 U.S.C. §§ 1915A(b), 1915e(2)(B), and 42 U.S.C. § 1997e(c)(1), Magistrate Judge Binder recommended that the case be *sua sponte* dismissed with prejudice for failure to state a claim. Plaintiff has not filed objections to the report and recommendation within the established time period. The court has reviewed the file, record, and magistrate judge's well-reasoned report and recommendation. The court accepts the report and recommendation, and orders that the case be dismissed with prejudice. Accordingly,

IT IS HEREBY ORDERED that the magistrate judge's report and recommendation is ACCEPTED.

IT IS FURTHER ORDERED that the case is DISMISSED with prejudice.

Dated: April 18, 2011

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 18, 2011, by electronic and/or ordinary mail and also to Tony Penn at Bellamy Creek Correctional Facility, 1727 West Bluewater Highway, Ionia, MI 48846.

s/Marcia Beauchemin  
Deputy Clerk